

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

G5 OUTDOORS LLC,

Plaintiff,

vs.

ARCHER XTREME, LLC,

Defendant.

Case No.

Hon.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

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Plaintiff complains against defendant as follows:

1. This is an action arising under the patent laws of the United States, Title 35 of the United States Code. Defendant Archer Xtreme, LLC (Archer) has asserted against plaintiff G5 Outdoors, LLC (G5) rights under U.S. Patent No. 6,823,597 (the Patent), of which Archer is the purported assignee, based on G5's sale of its Optix Rock archery bow sight. A copy of the Patent is attached as Exhibit A. G5 seeks a declaration that it does not infringe the Patent or that the Patent is invalid.

2. G5 is a Michigan limited liability company. G5's headquarters and principal place of business are in Memphis, Michigan.

3. Archer is a Montana corporation. Archer's headquarters and principal place of business are in Belgrade, Montana.

4. G5 seeks relief under the Declaratory Judgment Act. The Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338 and 2201. Venue is proper under 28 U.S.C. §§ 1391 and 1400.

5. There exists an actual controversy between G5 and Archer. Archer has charged G5 with infringement of the Patent due to G5's ongoing sale of its bow sight, and Archer has threatened to sue G5 and its customers. G5 contends that it has the right to sell its sight without license from Archer.

COUNT I

6. G5 incorporates the allegations in paragraphs 1-5 above.

7. Archer contends that G5 is infringing the Patent.

8. G5 is not infringing the Patent because its sight does not fall within the scope of the Patent claims.

COUNT II

9. G5 incorporates the allegations in paragraphs 1-8 above.

10. To the extent that any claim of the Patent can be construed to cover G5's sight, the claim is invalid for failure to meet the requirements for patentability under Title 35 of the United States Code.

WHEREFORE, G5 requests that the Court:

(a) Enter judgment declaring that G5 is not infringing the Patent, or that the Patent claims are invalid; and

(b) Award G5 all additional relief to which it is entitled.

WARNER NORCROSS & JUDD LLP

Dated: January 22, 2013

By: s/ James Moskal

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